



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/695,741	10/24/2000	Leonard T. Chapman	225/101	2641

22249 7590 03/04/2002

LYON & LYON LLP
633 WEST FIFTH STREET
SUITE 4700
LOS ANGELES, CA 90071

EXAMINER

NGUYEN, MICHELLE P

ART UNIT PAPER NUMBER

2851

DATE MAILED: 03/04/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/695,741

Applicant(s)

CHAPMAN, LEONARD T.

Examiner

Michelle Nguyen

Art Unit

2851

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on _____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 October 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Information Disclosure Statement

1. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A(1) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

Specification

2. Claims 2, 14 and 15 are objected to because of the following informalities:

With regard to claim 2, in line 1, "2" should be --2.--. Further, in line 3, "steering," should be --steering.--.

With regard to claim 14, in line 23, "eight" should be --eighth--.

With regard to claim 15, in line 2, "operators" should be --operator's--.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claim 12 rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make

Art Unit: 2851

and/or use the invention. Applicant has recited the limitation "top and bottom steering unit plates separate from the dolly." Examiner does not understand how the steering unit would function with the plates separate from the dolly. Applicant has not provided an explanation.

Double Patenting

5. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

6. Claim 14 is rejected under the judicially created doctrine of double patenting over claim 13 of U. S. Patent No. 6,135,465 since the claim(s), if allowed, would improperly extend the "right to exclude" already granted in the patent.

The subject matter claimed in the instant application is fully disclosed in the patent and is covered by the patent since the patent and the application are claiming common subject matter.

With regard to claim 14 of the application, claim 13 of U.S. Patent No. 6,135,465 sets forth the following limitations:

A steering system for a camera dolly comprising:

a rear transmission having first, second, third, and fourth sprockets supported on a first axle;

a front transmission having a first, second and third sprockets supported on a shift rod;

a differential having a top, center and bottom sprockets axially displaceable from each other;

a rear transmission distributor and a front transmission distributor, each having top, center and bottom sprockets;

a first chain connecting the top sprocket of the rear transmission to the top sprocket of the rear transmission distributor;

a second chain connecting the second sprocket of the rear transmission to the center sprocket of the differential;

a third chain connecting the third sprocket of the rear transmission to the center sprocket of the rear transmission distributor;

a fourth chain connecting the fourth sprocket on the rear transmission to a lower axle sprocket on an axle;

a fifth chain connecting the top sprocket of the differential to an upper axle sprocket on the axle;

a sixth chain connecting the lower sprocket on the differential to the middle sprocket on the front distributor;

a seventh chain connecting the top sprocket on the front transmission to the top sprocket on the front transmission distributor; and

an eighth chain connecting the lower sprocket on the front transmission distributor to the lower sprocket on the front transmission.

Furthermore, there is no apparent reason why applicant was prevented from presenting claims corresponding to those of the instant application during prosecution of the application which matured into a patent. See *In re Schneller*, 397 F.2d 350, 158 USPQ 210 (CCPA 1968). See also MPEP § 804.

7. Claims 1-11, 13 and 15-19 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-17 of U.S. Patent No. 6,135,465. Although the conflicting claims are not identical, they are not patentably distinct from each other.

With regard to claim 1 of the application, claim 1 of U.S. Patent No. 6,135,465 sets forth the following limitations:

A steering unit for a camera dolly comprising:

a steering transmission;

a differential;

sprockets on the steering transmission, and on the differential; and

chains at least indirectly connecting the steering transmission to the differential, the sprockets and chains forming a corrective steering system, a crab steering system, and a round steering system (Here it is understood that the term "corrective" is synonymous with the term "conventional").

Claim 1 of U.S. Patent No. 6,135,465 further recites the limitation "a steering/shift handle linked to the steering transmission, for both steering the wheels of the dolly, and

Art Unit: 2851

for shifting between the corrective, crab and round steering systems.” It would have been obvious to one having ordinary skill in the art at the time the invention was made to exclude from the construction of the camera dolly a steering/shift handle, since it has been held that omission of an element and its function in a combination where the remaining elements perform the same functions as before involves only routine skill in the art.

With regard to claim 2 of the application, claim 2 of U.S. Patent No. 6,135,465 sets forth the following limitations: The steering unit of claim 1 wherein the differential comprises a top sprocket, a center sprocket, and a bottom sprocket, with the top sprocket axially displaceable from the center sprocket and the bottom sprocket, to provide corrective and round steering. Here the limitations set forth in claim 1 of U.S. Patent No. 6,135,465 read on the limitations set forth in claim 1 of the application as discussed above.

With regard to claim 3 of the application, claim 6 of U.S. Patent No. 6,135,465 sets forth the following limitations: The steering unit of claim 1 wherein the steering transmission comprises a first transmission spaced apart from a second transmission, and with the differential connected to the first transmission by a differential/first transmission chain and the differential connected to the second transmission by a differential/second transmission chain. Here the limitations set forth in claim 1 of U.S. Patent No. 6,135,465 read on the limitations set forth in claim 1 of the application as discussed above.

With regard to claim 4 of the application, claim 8 of U.S. Patent No. 6,135,465 sets forth the following limitations: The steering unit of claim 1 further comprising a first distributor connected to the first transmission by a first distributor/transmission chain, and also connected to a first wheel on the camera dolly by a first wheel chain and a second distributor connected to the second transmission by a second distributor/transmission chain, and also connected to a second wheel on the camera dolly by a second wheel chain. It would have been obvious to one having ordinary skill in the art at the time the invention was made to exclude in the construction of the camera dolly the connection between the first distributor and the first wheel on the camera dolly, and the connection between the second distributor and the second wheel on the camera dolly. Here the limitations set forth in claim 1 of U.S. Patent No. 6,135,465 read on the limitations set forth in claim 1 of the application as discussed above.

With regard to claim 5 of the application, claim 1 of U.S. Patent No. 6,135,465 recites the limitation "a steering/shift handle linked to the steering transmission, for both steering the wheels of the dolly, and for shifting between the corrective, crab and round steering systems." Here the limitations set forth in claim 1 of U.S. Patent No. 6,135,465 read on the limitations set forth in claim 1 of the application as discussed above. Further, because operation of the camera dolly requires the operator's hands on the shift handle, it would have been obvious to one having ordinary skill in the art at the time the invention was made to require the operator's hands remain continuously on the shift handle while operating the camera dolly.

With regard to claim 6 of the application, claim 9 of U.S. Patent No. 6,135,465 sets forth the following limitations: The steering unit of claim 1, further comprising a pivotable links block having a first link connecting to the differential and having a plurality of idler links connecting to active idlers engaging chains extending around sprockets on the differential. Here the limitations set forth in claim 1 of U.S. Patent No. 6,135,465 read on the limitations set forth in claim 5 of the application as discussed above.

With regard to claim 7 of the application, claim 10 of U.S. Patent No. 6,135,465 sets forth the following limitations: The steering unit of claim 1 further comprising an over-center linkage attached to the links block and to the steering/shift handle. Here it is understood that the term "steering/shift handle" is synonymous with the term "steering mode handle." Further, the limitations set forth in claim 1 of U.S. Patent No. 6,135,465 read on the limitations set forth in claim 1 of the application as discussed above.

With regard to claim 8 of the application, claim 7 of U.S. Patent No. 6,135,465 sets forth the following limitations: The steering unit of claim 6 wherein the sprockets on the first and second transmissions are stacked up vertically and within each transmission have a single axis of rotation. Here the limitations set forth in claim 6 of U.S. Patent No. 6,135,465 read on the limitations set forth in claim 3 of the application as discussed above.

With regard to claim 9 of the application, claim 3 of U.S. Patent No. 6,135,465 sets forth the following limitations: The steering unit of claim 2 further comprising means for automatically and simultaneously adjusting tension on the chains connecting to the

Art Unit: 2851

top and center sprockets of the differential, when the steering unit is shifted between steering modes. The camera dolly comprises the steering unit, thereby comprising that which the steering unit comprises. Here the limitations set forth in claim 2 of U.S. Patent No. 6,135,465 read on the limitations set forth in claim 2 of the application as discussed above.

With regard to claim 10 of the application, claim 4 of U.S. Patent No. 6,135,465 sets forth the following limitations:

The camera dolly of claim 2 further comprising:

a steering unit housing supporting the differential and steering transmissions;

a links block pivotably supported on the steering unit housing; and

a first link pivotably attached to the links block and to the top sprocket of the differential.

Here the limitations set forth in claim 2 of U.S. Patent No. 6,135,465 read on the limitations set forth in claim 2 of the application as discussed above.

With regard to claim 11 of the application, claim 5 of U.S. Patent No. 6,135,465 sets forth the following limitations: The steering unit of claim 4 further comprising second, third, fourth, and fifth links pivotably attached to the links block and to first, second, third, and fourth active idler sprockets, with the first and second active idler sprockets engaging the chain connecting to the top sprocket on the differential and the third and fourth active idler sprockets engaging the chain connecting to the middle differential sprocket. Here the limitations set forth in claim 4 of U.S. Patent No.

Art Unit: 2851

6,135,465 read on the limitations set forth in claim 10 of the application as discussed above.

With regard to claim 13 of the application, claim 5 of U.S. Patent No. 6,135,465 sets forth the following limitations: The steering unit of claim 1 further comprising a mechanical linkage from the shift handle to the transmission and differential. Here the limitations set forth in claim 1 of U.S. Patent No. 6,135,465 read on the limitations set forth in claim 5 of the application as discussed above.

With regard to claim 15 of the application, claim 14 of U.S. Patent No. 6,135,465 sets forth the following limitations:

A method of steering a camera dolly comprising the steps of:

placing the dolly operator's hands on a steering bar on the dolly;

selecting conventional steering mode by turning the steering bar,

with the operator's hands continuously remaining on the steering bar;

selecting crab steering mode by turning the steering bar, with the operator's hands continuously remaining on the steering bar; and

selecting round steering mode by turning the steering bar, with the operator's hands continuously remaining on the steering bar.

Claim 14 of U.S. Patent No. 6,135,465 further recites the step of locking the differential sprockets into fixed positions whenever the steering bar is not positioned at 0 degrees or 180 degrees. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to exclude from the method of steering the camera dolly the step of locking the differential sprockets, since it has been held that

Art Unit: 2851

omission of a step and its function in a combination where the remaining steps perform the same functions as before involves only routine skill in the art.

With regard to claim 16 of the application, claim 15 of U.S. Patent No. 6,135,465 sets forth the following limitations: The method of claim 14 further comprising the step of moving sprockets on a differential apart as the camera dolly is shifted into conventional or round steering. Here the limitations set forth in claim 14 of U.S. Patent No. 6,135,465 read on the limitations set forth in claim 15 of the application as discussed above.

With regard to claim 17 of the application, claim 16 of U.S. Patent No. 6,135,465 sets forth the following limitations: The method of claim 14 further comprising the step of moving active idlers while shifting steering modes to maintain tension on chains within the dolly. Here the limitations set forth in claim 14 of U.S. Patent No. 6,135,465 read on the limitations set forth in claim 15 of the application as discussed above.

With regard to claim 18 of the application, claim 17 of U.S. Patent No. 6,135,465 sets forth the following limitations:

A method of steering a camera dolly comprising the steps of:

placing the dolly operator's hands on a steering bar on the dolly;

selecting conventional steering mode by turning the steering bar,

with the operator's hands continuously remaining on the steering bar;

selecting crab steering mode by turning the steering bar, with the operator's hands continuously remaining on the steering bar;

selecting round steering mode by turning the steering bar, with the operator's hands continuously remaining on the steering bar; and

adjusting the amount of movement of the differential sprockets to compensate for a change in the dolly wheelbase/tread dimensions.

It would have been obvious to one having ordinary skill in the art at the time the invention was made, then, to include in the method of steering the camera dolly the step of adjusting the amount of movement of the differential sprockets to compensate for a change in the dolly wheelbase/tread dimensions.

With regard to claim 19 of the application, claim 14 of U.S. Patent No. 6,135,465 recites the step of locking the differential sprockets as discussed above with respect to claim 15 of the application. It would have been obvious to one having ordinary skill in the art at the time the invention was made, then, to include in the method of steering the camera dolly the step of locking the differential sprockets in order to position the dolly as desired.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patents are provided to further show the state of the art with respect to steering mechanisms:

U.S. Patent No. 2,915,319 to Kumler et al.

U.S. Patent No. 2,995,380 to King

U.S. Patent No. 3,018,116 to Summers et al.

U.S. Patent No. 4,950,126 to Fabiano et al.

U.S. Patent No. 5,730,450 to Chapman


Art Unit: 2851

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michelle Nguyen whose telephone number is 703-305-2771. The examiner can normally be reached on M-F 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Russ Adams can be reached on 703-308-2847. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7723 for regular communications and 703-305-7723 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4900.

mpn
February 26, 2002


RUSSELL ADAMS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800